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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,317	12/18/2001	Koji Yoshida	L9289.01226	1643
24257	7590	07/27/2005	EXAMINER	
STEVENS DAVIS MILLER & MOSHER, LLP 1615 L STREET, NW SUITE 850 WASHINGTON, DC 20036			ARMSTRONG, ANGELA A	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/018,317

Applicant(s)

YOSHIDA ET AL

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-6, 9-16, and 19-21, claims 1, 5, 9, 10, 11, 15, 19, 20 and 21 include the limitation "a decoding unit decoded previous to a decoding unit." It is unclear as to what applicant is specifically regarding as a "decoding unit decoded previous to a decoding unit." For further examination, the examiner assumes the phrase refers to a current decoding unit and a past decoding unit.

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Regarding claims 7-8, 17-16 and 22, claims 7, 17, and 22 include the limitation “a normal decoding unit.” It is unclear as to what applicant is specifically regarding as a “normal decoding unit.”

Claims 1, 9, 11, 19 and 20 include the limitation “adaptively determining a lag parameter and a gain parameter to be used for said decoding unit.” It is unclear as to what applicant is determining, since the lag parameter and gain parameter were received and decoded in steps A and B.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, 11-14 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerson et al (US Patent No. 5,657,418).

Regarding claims 1, 11 and 20, Gerson discloses receiving data containing coded transmission parameters including mode information, a lag parameter, and a gain parameter (Figure 9; col. 5, line 67 to col. 6, line 2; col. 7, line 66 to col. 8, line 23); decoding mode information, lag parameter and gain parameter (Figure 9; col. 5, line 67 to col. 6, line 2; col. 7, line 66 to col. 8, line 23); using mode information and determining a lag parameter and a gain parameter (col. 4, line 46 to col. 5, line 51; col. 6, line 19 to col. 7, line 51; col. 8, lines 24-67).

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Regarding claims 2 and 12, Gerson discloses detecting variations within lag parameters and using mode information to determining a lag parameter (col. 4, lines 46-64).

Regarding claims 3 and 13, Gerson discloses a lag parameter corresponding to the decoding unit is used when the mode indicated by mode information is unvoiced mode and no variations exceeding a predetermined amount within a lag parameter or between lag parameters is detected or using lag parameters corresponding to previous parameters (col. 4, line 46 to col. 5, line 51; col. 6, line 19 to col. 7, line 51; col. 8, lines 24-67).

Regarding claims 4 and 14, Gerson discloses restricting gain values based on mode determination (col. 4, lines 46 to col. 5, line 51; col. 8, lines 11-23).

Regarding claims 9 and 19, Gerson discloses receiving data containing coded transmission parameters including mode information, a lag parameter, and a gain parameter (Figure 9; col. 5, line 67 to col. 6, line 2; col. 7, line 66 to col. 8, line 23); decoding lag parameter and gain parameter (Figure 9; col. 5, line 67 to col. 6, line 2; col. 7, line 66 to col. 8, line 23); calculating mode information (col. 4, line 46 to col. 5, line 51; col. 6, line 19 to col. 7, line 51; col. 8, lines 24-67); using mode information and determining a lag parameter and a gain parameter (col. 4, line 46 to col. 5, line 51; col. 6, line 19 to col. 7, line 51; col. 8, lines 24-67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 10, 15-18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Gerson (US Patent No. 5,495,555).

Regarding claims 5-8, 10, 15-18, and 21-22, applicant's admitted prior art (figure 1, specification pages 1-3) teaches receiving data containing coded transmission parameters, a lag parameter, a fixed excitation parameter, and a gain parameter made up of an adaptive excitation gain and a fixed excitation gain; decoding the transmitted parameters and controlling the ratio of the adaptive excitation and fixed excitation gain (as "gain attenuation").

The admitted prior art does not teach determining or transmitting mode information or controlling the gain based on mode. Gerson discloses a speech coder/decoder system in which excitation source gain information is transmitted with mode indicators to determine the appropriate gain values to be utilized for the excitation sources (Figure 9; col. 5, line 67 to col. 6, line 2; col. 7, line 66 to col. 8, line 23).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of CS-ACELP coding system of the admitted prior art to implement transmission of mode indicators along with gain and other parameters, as taught by Gerson, for the purpose of ensuring that appropriate gain values to be utilized for the excitation sources, and thereby generating quality reconstructed speech signals.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swaminathan (US Patent No. 5,495,555).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong  
Examiner  
Art Unit 2654

July 22, 2005

A handwritten signature in black ink that reads "Angela Armstrong". The signature is written in a cursive, flowing style with a large, stylized 'A' and a long, sweeping underline.